

date shall be implemented as expeditiously as practicable, but no later than May 31, 1999, unless the State has received a contingent NO_x exemption from the EPA prior to that time.

[59 FR 60714, Nov. 28, 1994, as amended at 60 FR 5867, Jan. 31, 1995; 60 FR 19522, Apr. 19, 1995; 62 FR 28349, May 23, 1997]

§ 52.2309 Emissions inventories.

(a) The Governor of the State of Texas submitted the 1990 base year emission inventories for the Houston/Galveston (HGA), Beaumont/Port Arthur (BPA), El Paso (ELP), and Dallas/Fort Worth (DFW) ozone nonattainment areas on November 17, 1992 as a revision to the State Implementation Plan (SIP). The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for each of these areas.

(b) The inventories are for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventories cover point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The HGA nonattainment area is classified as Severe-17 and includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties; the BPA nonattainment area is classified as Serious and includes Hardin, Jefferson, and Orange Counties; the ELP nonattainment area is classified as Serious and includes El Paso County; and the DFW nonattainment area is classified as Moderate and includes Collin, Dallas, Denton, and Tarrant Counties.

[59 FR 55589, Nov. 8, 1994]

Subpart TT—Utah

§ 52.2320 Identification of plan.

(a) Title of plan: "Utah Implementation Plan."

(b) The plan was officially submitted on January 25, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Clarifications of the plan relating to particulate regulations, CO and NO₂ control strategies, new source review, emergency episodes, availability of emission data, and source surveillance

submitted May 18, 1972, by State Division of Health.

(2) Revision of State new source review regulation, section 1.3.3 of the Utah Code of Air Conservation Regulations, submitted on September 13, 1972, by the Governor.

(3) Transportation control plan submitted April 13, 1973, by the Governor.

(4) Reenacted legislation providing for public availability of emission data submitted on June 13, 1974, by the State Division of Health.

(5) The Revised Utah Air Conservation Regulations on July 10, 1975, by the Governor.

(6) Provisions to meet the requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on December 28, 1978, by the Governor.

(7) On November 5, 1979, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, § 58.20.

(8) Provisions to meet the transportation control requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on November 5, 1979, and August 11, 1980, by the Governor.

(9) Provisions to meet the requirements of Part D for particulates and to attain the national standard for lead were submitted on March 11, 1980, July 25, 1980, November 13, 1980, December 26, 1980, and April 8, 1981.

(10) Provisions to meet the requirements of Part C of the Clean Air Act, as amended in 1977, were submitted on August 17, 1981.

(11) Provisions to meet the requirements of section 127 and Part D for carbon monoxide and ozone were submitted on August 11, 1980.

(12) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates and volatile organic compounds, were submitted on April 8, 1981.

(13) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates were submitted on March 1, 1982.

(14) A revision to the definition of volatile organic compound was submitted on April 29, 1982.

(15) Provisions to meet the requirements of Part D of the Clean Air Act,

as amended in 1977, for carbon monoxide in Provo and Ogden, Utah were submitted on September 20, 1982.

(16) Additional information regarding stack monitoring at the main stack at the Kennecott Copper Smelter in Salt Lake City was submitted on December 27, 1982, and February 3, 1984.

(17) Provision to meet the requirements of Part D of the Clean Air Act as amended in 1977 providing for implementing automobile inspection and maintenance in Salt Lake and Davis Counties were submitted on December 9, 1983, December 19, 1983, February 6, 1984, and March 1, 1984. A revision providing for the commitment to adopt regulations for VOC sources covered by future CTG's (Group III) was submitted on February 6, 1984.

(18) A revision to the SIP was submitted by the Governor for attainment of the SO₂ standard on August 17, 1981. Additional submittals January 25, 1983, and September 5, 1984.

(19) A revision to the SIP was submitted by the Governor on April 26, 1985, for visibility monitoring and new source review.

(i) Incorporation by reference.

(A) Letter dated April 26, 1985, from Governor Norman Bangertter submitting the Utah Visibility SIP and Regulations.

(B) The Visibility SIP and the Utah Air Conservation Regulations 1.1.7 and 3.11.1 were adopted on April 15, 1985 referred to in the Governor's letter as April 12, 1985.

(20) A revision to the SIP was submitted by the Governor on December 12, 1985, for attainment of the CO standard in Utah County.

(i) Incorporation by reference.

(A) Letter and attachments dated December 12, 1985, from Governor Norman H. Bangertter submitting the SIP Revision for attainment of NAAQS for CO in Utah County. The attachments included Section 9, Part C; Section 9, Appendices A, C, H, and I; and Technical Support Document—Provo.

(ii) Additional material.

(A) Letter dated May 8, 1986, from Brent C. Bradford to Irwin Dickstein; Re: Response to questions on I/M with anti-tampering program.

(B) Letter and attachment dated May 15, 1986, from Brent Bradford to Irwin

Dickstein transmitting Appendix D of the Technical Support Document.

(21) A revision to the SIP was submitted by the Governor on December 11, 1987, for visibility general plan requirements and long-term strategies.

(i) Incorporation by reference.

(A) Letter dated December 2, 1988, from the Utah Bureau of Air Quality to the U.S. Environmental Protection Agency, Region VIII.

(B) A revised section 16, Visibility Protection, of the Utah SIP was adopted on November 12, 1987, except for the first three paragraphs of § 16.1, the fifth and sixth paragraph of § 16.4, and the second and third paragraphs of § 16.5.

(22) In a letter dated May 2, 1986, the Governor submitted revisions to the Utah Air Conservation Regulations addressing GEP stack heights/dispersion techniques and a new Section 17 to the SIP addressing GEP stack height demonstration analysis.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations adopted April 18, 1986. The revisions consist of adding stack height definitions (UACR 1.1.128 through UACR 1.1.133) and updating stack height exemptions (UACR 3.8).

(B) Stack height demonstration analysis submitted by the State in a letter dated May 2, 1986.

(23) On May 2, 1991 the Governor of Utah submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration (PSD) portion of the plan to incorporate the nitrogen dioxide (NO₂) increments, and several "housekeeping" changes to definitions, new source review, and PSD regulations.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, section R446-1-1, Foreword and Definitions, section R446-1-3, Control of Installations, and section R446-2-1, Utah State Implementation Plan Incorporation by Reference, effective January 1, 1991.

(B) Letter dated May 1, 1991, from Kenneth Hansen of the Utah Division of Administrative Rules to Dave McNeill of the Utah Bureau of Air Quality, confirming a codification change to paragraph R446-1-3.6.5, effective May 1, 1991. This letter contains a reprinted version of R446-1-3.6.5.

(ii) Additional material.

(A) February 26, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas M. Skie, EPA, transmitting administrative materials for the SIP revision.

(B) May 2, 1991, letter from Norman H. Bangerter, Governor, State of Utah, to James J. Scherer, EPA. Official SIP submittal, transmitting the SIP narrative modifying section 8, Prevention of Significant Deterioration, and other administrative materials.

(24) On May 4, 1990, and July 25, 1991, the Governor of Utah submitted revisions to the plan. The revisions include amendments to the ozone nonattainment area regulations for stationary sources of volatile organic compounds (VOCs), contained within Regulation R446-1-4.9 of the Utah Air Conservation Regulations, "Emission Standards. Non-Attainment Area Requirements—Ozone," and the definitions applicable to the VOC regulations, contained within Regulation R446-1-1, "Foreword and Definitions." The amendments were made to conform Regulations R446-1-1 and R446-1-4.9 to statutory requirements for application of reasonably available control technology (RACT) to stationary sources of VOC's, as required by section 182(a)(2)(A) of the 1990 Clean Air Act, and to improve the clarity and enforceability of the regulations.

(i) *Incorporation by reference.* (A) Revisions to the following Utah Air Conservation Regulations, Section R446-1-1, Foreword and Definitions, effective January 1, 1991: R446-1-1.10, 1.16, 1.40, 1.60, 1.109, 1.126, 1.140, 1.150, 1.151, 1.159, 1.160, 1.161, 1.162, 1.163, 1.164, 1.165, 1.166, 1.167, 1.168, 1.169, 1.170, 1.171, 1.172, 1.173, 1.174, 1.175, 1.176, 1.177, 1.178, 1.180, 1.182, 1.183, 1.184.

(B) Revisions to the following rules of R446-1-4.9, *Emission Standards. Non-Attainment Area Requirements—Ozone*, effective June 15, 1991: 4.9.A through 4.9.E were added (disposal of VOCs; requirements for EPA concurrence on alternative test methods, alternative methods of control, alternative compliance periods, alternative emission limits, or alternative monitoring schedules; recordkeeping and reporting requirements; RACT requirements for

major non-CTG sources; "once-in, always-in" requirements; and allowance for exclusion of non-reactive VOC's); revisions to 4.9.1 (Petroleum Liquid Storage), 4.9.2 (Gasoline Transfer/Storage), 4.9.3 (Control of Hydrocarbon Emissions in Refineries), 4.9.4 (Degreasing and Solvent Cleaning Operations), 4.9.5 (Cutback Asphalt), 4.9.6 (Volatile Organic Compounds Used for Coating Paper, Fabric, Vinyl, Metal Furniture, Large Appliances, Magnet Wire, Flat Wood Paneling, Miscellaneous Metal Parts and Products, and Graphic Arts), 4.9.7 (Perchloroethylene Dry Cleaning Plants), 4.9.8 (Compliance Schedule); 4.9.9 (Compliance Schedule) was deleted.

(ii) *Additional material.* (A) May 9, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas Skie, EPA. This letter provided final changes to R446-1-4.9, indicated that these changes would become effective on June 15, 1991, and indicated that the State would submit the Ozone SIP revision package to EPA after the changes become effective.

(B) July 25, 1991, letter from Norman H. Bangerter, Governor, State of Utah, to James Scherer, EPA. Official SIP submittal, transmitting revised Regulation R446-1-4.9, and other administrative materials. This letter provided a negative declaration for seven CTG source categories: large petroleum dry cleaners, manufacturers of high density polyethylene, polypropylene, polystyrene resins, manufacturers of synthesized pharmaceutical products, manufacturers of pneumatic rubber tires, natural gas/gas processing plants, and synthetic organic chemical manufacturing industries (SOCMI) with fugitive emissions and/or air oxidation processes.

(C) September 5, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to James Scherer, EPA. This letter provided a negative declaration for three CTG source categories: surface coating of cans, surface coating of metal coils, and surface coating of automobiles and light duty trucks.

(D) January 30, 1992, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to Doug Skie,

EPA. This letter contained the State's commitment to conduct capture efficiency testing using the most recent EPA capture efficiency protocols, and the commitment to adopt federal capture efficiency test methods after they are officially promulgated by EPA.

(25) The Governor of Utah submitted a PM₁₀ State Implementation Plan (SIP) for Salt Lake and Utah Counties, Utah with a letter dated November 15, 1991. The submittals were made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for Salt Lake and Utah Counties as outlined in the Clean Air Act of 1990. The Governor's submittal also included revisions to the Utah Air Quality Rules and to other sections of the State-wide SIP. The Utah Air Conservation Regulations have been revised and renumbered over the past decade and are being replaced in its entirety with this Governor's submittal.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, printed January 27, 1992.

(B) Utah State Implementation Plan, Section 1-7 and 10-15, effective March 31, 1992.

(C) Utah State Implementation Plan, Section 9, Part A and Section 9, Part A, Appendix A effective August 14, 1991.

(26) On November 9, 1992, Norman Bangerter, the Governor of Utah, submitted a SIP revision to the Utah Implementation Plan and Utah Air Conservation Regulations. This revision establishes and requires the implementation of oxygenated fuel programs in Provo-Orem and Salt Lake-Ogden Metropolitan Statistical Areas as required by section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference.

(A) R307-8; Oxygenated Gasoline Program, of the Utah Air Conservation Regulations as adopted by the State, effective December 16, 1993.

(ii) Additional materials.

(A) Letter dated November 9, 1992, from Governor Norman Bangerter submitting the oxygenated gasoline program SIP revision.

(B) Letter dated May 19, 1994, from Governor Michael O. Leavitt submitting the oxygenated gasoline program SIP revision.

(27) The Governor of Utah submitted a Section 16, Stack Height Demonstration and Section 9, Part B, Sulfur Dioxide of the Utah State Implementation Plan (SIP) a letter dated December 23, 1991, and May 15, 1992, respectively. The Governor's submittal also included statewide SO₂ regulations.

(i) Incorporation by reference.

(A) Utah State Implementation Plan, Section 16, effective December 16, 1991.

(B) Utah State Implementation Plan, Section 9, Part B effective June 15, 1992.

(C) Utah Air Conservation Regulations, R307-1-4. Emission Standards: changes to 4.2 Sulfur Content of Fuels and 4.6.2, effective June 15, 1992.

(28) On November 12, 1993, the Governor of Utah submitted revisions to its permitting requirements to satisfy the nonattainment new source review provisions in the amended Clean Air Act for all of its nonattainment areas. On May 20, 1994, the Governor of Utah submitted a revision to Utah's definition of volatile organic compounds.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, R307-1-1, the forward and the following definitions: "air contaminant," "air contaminant source," "air pollution," "allowable emissions," "ambient air," "best available control technology (BACT)," "board," "department," "dispersion technique," "emission limitation," "executive director," "executive secretary," "major modification," "major source," "PM-10 precursor," "person," "temporary," and "volatile organic compound (VOC);" effective November 15, 1993, printed June 24, 1994.

(B) Utah Air Conservation Regulations, R307-1-3.1.8, R307-1-3.1.10, and R307-1-3.3; effective August 16, 1993, printed May 26, 1994.

(ii) Additional material.

(A) Letter dated October 18, 1994 from Russell A. Roberts to Douglas M. Skie clarifying applicability of Utah's nonattainment new source review permitting requirements.

(29) Revisions to the Utah State Implementation Plan for the 1990 Carbon Monoxide Base Year emission inventories for Ogden City, Salt Lake City, and Utah County were submitted by

the Governor in a letter dated July 11, 1994.

(i) Incorporation by reference.

(A) Carbon Monoxide 1990 Base Year Emission Inventories for Ogden City, Utah SIP, Section IX, Part C.3., Table IX.C.5; Salt Lake City, Utah SIP, Section IX, Part C.3., Table IX.C.4; and Utah County, Utah SIP, Section IX, Part C.6., Table IX.C.10 all of which became effective on August 31, 1994.

(30) On November 9, 1992, the Governor of Utah submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Utah State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Utah Code, Title 19, Chapter 2, Air Conservation Act, Sections 19-2-109.1 and 19-2-109.2, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective April 27, 1992.

(ii) Additional materials.

(A) November 9, 1992 letter from the Governor of Utah submitting a Small Business Assistance Program plan to EPA.

(B) The State of Utah plan for the establishment and implementation of a Small Business Assistance Program, promulgated September 30, 1992 by the Utah Air Quality Board, effective December 1, 1992.

(31) On February 1, 1995, the Governor of Utah submitted revisions to the prevention of significant deterioration permitting regulations in R307-1-1 and R307-1-3 of the Utah Air Conservation Regulations to incorporate changes in the Federal PSD permitting regulations for PM-10 increments and to make other minor, administrative changes.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, R307-1-1, the definitions of "baseline area," "baseline date," "net emissions increase," and "significant," effective 9/22/94, printed 10/24/94.

(B) Revisions to the Utah Air Conservation Regulations, R307-1-3, Sections 3.6.2.B, 3.6.2.D, 3.6.2.E, 3.6.3.A, 3.6.3.B, 3.6.3.D.(2) and (3), 3.6.4.A.(1), 3.6.4.C, 3.6.4.D, 3.6.5.A, 3.6.5.B.(1)(a),

3.6.5.C, 3.6.5.D, 3.6.5.E, 3.6.5.F, and 3.6.6, effective 10/1/94, printed 10/24/94.

(32)-(33) [Reserved]

(34) Revisions to the Utah State Implementation Plan for the Emission Statement Inventory regulation, UACR R307-1-3.5.4., revision of the ozone nonattainment area designation definition, UACR R307-1-3.3.3C, and other minor changes to definitions in UACR R307-1-1. were submitted by the Governor in a letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Emission Statement Inventory regulation, UACR R307-1-3.5.4, ozone nonattainment area designation definition, UACR R307-1-3.3.3C, and the following definitions in UACR R307-1-1.; "Control Apparatus", "Emissions Information", "Peak Ozone Season", "Process Level", and "Process Rate". All were adopted on August 4, 1993, and became effective on November 15, 1993.

(B) A letter dated May 30, 1995, from Russell Roberts, Director, Utah Division of Air Quality to Douglas Skie, Chief, Air Programs Branch for Region 8.

(32)-(35) [Reserved]

(36) The Governor of Utah submitted a revision to Utah's State Implementation Plan (SIP) for Visibility Protection with a letter dated July 25, 1996. The revision was made to add a new subsection 15.10 to the SIP to include a policy statement regarding scenic views which was deleted from the Utah Air Conservation Regulations.

(i) Incorporation by reference.

(A) Utah State Implementation Plan, Subsection 15.10, Policy of the Air Conservation Committee Concerning the Protection of Scenic Views Associated with Mandatory Class I Areas from Significant Impairment for Visibility, adopted on March 26, 1993, and effective on March 29, 1993.

(ii) Additional material.

(A) A July 25, 1996 letter from Michael O. Leavitt, Utah Governor, to Jack McGraw, EPA Region VIII Acting Regional Administrator, in which it was communicated, among other things, that the Utah Air Quality Board deleted R307-5 from the Utah Air Conservation Regulations. The deletion was effective March 29, 1993.

§ 52.2321

40 CFR Ch. I (7–1–97 Edition)

(37) On November 20, 1996, the Governor of Utah submitted a revision to the Utah State Implementation Plan. The submittal included a new Utah regulation which incorporates by reference the Federal new source performance standards in 40 CFR part 60, as in effect on March 12, 1996.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, R307–18–1, “Standards of Performance for New Stationary Sources

(NSPS),” effective September 9, 1996, printed October 19, 1996.

[37 FR 10898, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2320, see the List of CFR Sections Affected in the Finding Aids section of this volume.

EFFECTIVE DATE NOTE: At 62 FR 24826, May 7, 1997, § 52.2320 was amended by adding paragraph (c)(37), effective July 7, 1997.

§ 52.2321 Classification of regions.

The Utah plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Wasatch Front Intrastate	I	I	I	I	I
Four Corners Interstate	IA	IA	III	III	III
Utah Intrastate	III	III	III	III	III

[37 FR 10898, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

§ 52.2322 [Reserved]

§ 52.2323 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Utah’s plan as meeting the requirements of section 110 of the Clean Air Act as amended in 1977. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 10765, Feb. 19, 1980]

§§ 52.2324–52.2330 [Reserved]

§ 52.2331 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for Salt Lake County and portions of Tooele County is December 31, 1994.

[61 FR 16062, Apr. 11, 1996]

§ 52.2332 Control Strategy: Ozone.

Determinations—EPA is determining that, as of July 18, 1995, the Salt Lake and Davis Counties ozone nonattainment area has attained the ozone standard based on air quality monitoring data from 1992, 1993, and 1994, and

that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Salt Lake and Davis Counties ozone nonattainment area, these determinations shall no longer apply.

[60 FR 36729, July 18, 1995]

§ 52.2333 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since section 26–24–16 of the Utah Code Annotated (1953), may preclude the release of emission data, as correlated with applicable emission limitations, under certain circumstances.

[37 FR 15090, July 27, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

§§ 52.2334–52.2345 [Reserved]

§ 52.2346 Significant deterioration of air quality.

(a) The Utah plan, as submitted, is approved as meeting the requirements